

STATEMENT OF BASIS (AI No. 41134)

for draft Louisiana Pollutant Discharge Elimination System permit No. LA0104744 to discharge to waters of the State of Louisiana.

THE APPLICANT IS: Cooper/T. Smith Stevedoring Company, Inc.
Darrow Maintenance Shop
P.O. Box 242
Darrow, LA 70725

ISSUING OFFICE: Louisiana Department of Environmental Quality (LDEQ)
Office of Environmental Services
Post Office Box 4313
Baton Rouge, Louisiana 70821-4313

PREPARED BY: Ronda Burtch

DATE PREPARED: January 26, 2010

1. PERMIT STATUS

A. Reason for Permit Action:

Permit reissuance of a Louisiana Pollutant Discharge Elimination System (LPDES) permit for a 5-year term.

B. NPDES permit – NPDES permit effective date: N/A
NPDES permit expiration date: N/A

C. LPDES permits – LA0104744
LPDES permit effective date: February 1, 2005
LPDES permit modification date: June 1, 2006
LPDES permit expiration date: January 31, 2010

D. Date Application Received: August 21, 2009

2. FACILITY INFORMATION

A. FACILITY TYPE/ACTIVITY - maintenance shop

This facility is a maintenance shop that provides mechanical and minor electrical repair services to midstream loading operations on the Mississippi River. The primary site activities are welding, cutting, equipment maintenance and repair, equipment washing, and fueling of the site vehicular equipment.

The maintenance shop operates as an equipment maintenance complex. The complex includes: several office trailers, equipment washdown area, mechanical repair shop, ancillary storage buildings, and a laydown yard. The shop provides support to the Cooper Marine Cargo midstream transfer operations on the Mississippi River between river miles 170-180. The shop is also used for storage of parts and supplies.

B. FEE RATE

1. Fee Rating Facility Type: minor
2. Complexity Type: II
3. Wastewater Type: II
4. SIC code: 7699 and 4491

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C. LOCATION - 3369 Highway 75 in Darrow, Ascension Parish
Latitude 30° 07' 12", Longitude 90° 00' 21"

3. OUTFALL INFORMATION

Outfall 003

Discharge Type: treated vehicle and equipment washwater
Treatment: oil/water separator
Location: at the point of discharge from the oil/water separator, prior to combining with other waters
Flow: 6,000 GPD
Discharge Route: local drainage, thence into Bayou Conway

Outfall 004

Discharge Type: treated sanitary wastewater
Treatment: sewage treatment plant with aeration and chlorination
Location: at the point of discharge from the sewage treatment plant, prior to combining with other waters
Flow: 1,000 GPD (design capacity)
Discharge Route: local drainage, thence into Bayou Conway

4. RECEIVING WATERS

STREAM - local drainage, thence into Bayou Conway

BASIN AND SEGMENT - Lake Pontchartrain Basin, Segment 040403

DESIGNATED USES - a. primary contact recreation
b. secondary contact recreation
c. propagation of fish and wildlife
g. outstanding natural resource waters

*Outstanding Natural Resource is listed as a designated use of Segment 040403 (Blind River-From headwaters to Amite River Diversion Canal). However, this designated use is applicable only if the discharge is directly into the named waterbody and not into a tributary or distributary of the waterbody, per LAC33:IX.1111.A.

5. TMDL STATUS

Subsegment 040403, Blind River-From headwaters to Amite River Diversion Canal (Scenic) is listed on LDEQ's Final 2006 303(d) List as impaired for nutrients (nitrate + nitrite as N), phosphorus, sedimentation/siltation, organic enrichment/low DO, mercury, and turbidity. To date no TMDLs have been completed for this waterbody. A reopener clause will be established in the permit to allow for the requirement of more stringent effluent limitations and requirements as imposed by a TMDL. Until completion of TMDLs for the Lake Pontchartrain Basin, those suspected causes for impairment which are not directly attributed to the vehicle and equipment washwater and sanitary wastewater point source category have been eliminated in the formulation of effluent limitations and other requirements of this permit. Additionally, suspected causes of impairment which could be attributed to pollutants which were not determined to be discharged at a level which would cause, have the reasonable potential to cause or contribute to an excursion above any present state water quality standard were also eliminated.

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ORGANIC ENRICHMENT/LOW DO, NUTRIENTS, AND PHOSPHORUS

To protect against the potential for oxygen consuming pollutants that could cause instream DO problems, and for the discharges of organic materials at levels exceeding state water quality standards, BOD₅ and COD limitations have been retained in the permit.

LDEQ's position regarding water quality criteria for nutrients is that when oxygen-demanding substances are controlled and limited in order to ensure that the dissolved oxygen criterion is supported, nutrients are also controlled and limited. See In The Matter of Sierra Club and Louisiana Environmental Network Request for Nutrient Limits. Docket No. AHD-DR-96001. LDEQ April 29, 1996. LAC 33:IX.2707.D.1.f.iii allows the establishment of effluent limitations based on an indicator parameter for the pollutant of concern. LDEQ's consistent approach to controlling nutrients where the WQMP does not otherwise require specific nutrient limitations is achieved by limiting the discharge of oxygen-demanding substances through BOD₅, and COD limitations. Compliance with the BOD₅, and COD limitations as an indicator parameter will result in the control of nutrients from the discharge sufficient to attain and maintain the applicable water quality standard. Effluent monitoring of the indicator parameter as conducted by the permittee in accordance with the permit in addition to LDEQ's ambient water quality monitoring program will allow for further evaluation by the Department to determine the effectiveness of the limitation. The reopener clause located in Other Conditions/ Part II of the permit allows the Department to modify or revoke and reissue the permit if the limitations as set on the indicator parameter are shown to no longer attain and maintain applicable water quality standards.

SEDIMENTATION/SILTATION AND TURBIDITY

Based on the size and nature of this facility, the Department believes that there is little potential for the discharges to cause or contribute to sedimentation/siltation and turbidity impairments of this subsegment. Therefore, no limitations for sedimentation/siltation and turbidity will be required of this facility.

MERCURY

The Mercury impairment listed for subsegment 040403 applies only to those waterbodies specifically identified in LDEQ's Final 2006 Integrated Report, and not to the entire subsegment unless so specified. Because the discharge from this facility is not directly into the Blind River, mercury will not be addressed in permit development.

6. CHANGES FROM PREVIOUS PERMIT

1. The previous permit had this facility located in Subsegment 040404; however, the facility is located and discharges into Subsegment 040403.
2. A monthly average "Report" requirement for Flow has been added to Outfall 003.
3. Monthly average limitations have been added to Outfall 004 for Flow, BOD₅, TSS, and Fecal Coliform.
4. The monitoring frequency for Outfall 003 has been changed from quarterly to monthly due to exceedances of the permit limitations.
5. The monitoring frequency for Outfall 004 has been changed from semiannually to quarterly due to exceedances of the permit limitations.

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7. COMPLIANCE HISTORY/COMMENTS

1. OEC – There are no OEC enforcement actions administered against this facility as of December 1, 2009. The last inspection conducted at this facility, due to Hurricane Katrina, was on September 9, 2005.
2. DMR Review/Excursions – A review of the DMRs for the period of July 1, 2007, through June 30, 2009, revealed the following violations:

Outfall 003 – Treated vehicle and equipment washwater

Date	Parameter	Reported Value	Permit Limits
July-September 2007	TSS, Daily Max	5,740 mg/l	45 mg/l
October – December 2007	COD, Monthly Avg	257 mg/l	200 mg/l
January – March 2008	COD, Monthly Avg	441 mg/l	200 mg/l
	COD, Daily Max	441 mg/l	300 mg/l
	Oil & Grease, Daily Max	47.4 mg/l	15 mg/l
April – June 2008	COD, Monthly Avg	712 mg/l	200 mg/l
	COD, Daily Max	712 mg/l	300 mg/l
	Oil & Grease, Daily Max	34.1 mg/l	15 mg/l
October – December 2008	COD, Monthly Avg	1,424 mg/l	200 mg/l
	COD, Daily Max	1,424 mg/l	300 mg/l
	Oil & Grease, Daily Max	24.8 mg/l	15 mg/l
	pH, Minimum	9.47 s.u.	6.0 s.u. (min)
	pH, Maximum	9.47 s.u.	9.0 s.u. (max)
January – March 2009	COD, Monthly Avg	760 mg/l	200 mg/l
	COD, Daily Max	760 mg/l	300 mg/l
	TSS, Daily Max	114 mg/l	45 mg/l
	Oil & Grease, Daily Max	95.7 mg/l	15 mg/l
	Oil & Grease (visual), Daily Max	Present	No Presence
April – June 2009	COD, Monthly Avg	288 mg/l	200 mg/l

Outfall 004 – Treated sanitary wastewater

Date	Parameter	Reported Value	Permit Limits
September – December 2007	TSS, Daily Max	111 mg/l	45 mg/l
	Fecal Coliform, Daily Max	>2,000 col/100 ml	400 col/200 ml
January – March 2008	BOD ₅ , Daily Max	56.9 mg/l	45 mg/l
	TSS, Daily Max	83.9 mg/l	45 mg/l
	Fecal Coliform, Daily Max	>2,000 col/100 ml	400 mg/l
October – December 2008	Flow, Daily Max	Not reported	Report
	TSS, Daily Max	46 mg/l	45 mg/l

* Please note that samples were collected for outfall 004 twice for the period of January – June 2008; however, they were not averaged together. The facility submitted a DMR for the 1st and 2nd quarter of 2008 instead of one semiannual DMR, which is required by the permit. The second DMR submitted did not have any exceedances of the permit limits.

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- * The facility has been submitting quarterly DMRs instead of semiannual DMRs. However, they are only testing semiannually, which is the permit requirement.
- ❖ Due to exceedances of the permit limitations, this facility was referred to Enforcement on December 11, 2009.

8. EXISTING EFFLUENT LIMITS

Outfall 003 – Treated vehicle and equipment washwater

Pollutant	Limitation		Monitoring Frequency
	Monthly Avg	Daily Max	
	mg/L		
Flow	---	Report	Quarterly
COD	200	300	Quarterly
TSS	---	45	Quarterly
Oil and Grease	---	15	Quarterly
Soaps and Detergents	Report	---	Quarterly
Visible Sheen	---	No presence	Daily
pH (s.u.)	6.0 min	9.0 max	Quarterly

Outfall 004 - Treated sanitary wastewater

Pollutant	Limitation		Monitoring Frequency
	Monthly Avg	Weekly Avg	
	mg/L		
Flow	---	Report	Semiannually
BOD ₅	---	45	Semiannually
TSS	---	45	Semiannually
Fecal Coliform (col/ 100 ml)	---	400	Semiannually
pH (s.u.)	6.0 (min)	9.0 (max)	Semiannually

9. ENDANGERED SPECIES

The receiving waterbody, Subsegment 040403 of the Lake Pontchartrain Basin, has been identified by the U.S. Fish and Wildlife Service (FWS) as habitat for the West Indian manatee, which is listed as an endangered species. LDEQ has not submitted this draft permit to the FWS for review in accordance with a letter dated January 5, 2010 from Rieck (FWS) to Nolan (LDEQ). As set forth in the Memorandum of Understanding between the LDEQ and the FWS, and based on information provided by the FWS, LDEQ has determined that the issuance of the LPDES permit is not likely to have an adverse effect upon the West Indian manatee. The effluent limitations established in the permit ensure protection of aquatic life and maintenance of the receiving water as aquatic habitat. Therefore, the issuance of the LPDES permit is not likely to have an adverse effect on any endangered or candidate species or the critical habitat.

10. HISTORIC SITES

The discharge is from an existing facility location, which does not include an expansion on undisturbed soils. Therefore, there should be no potential effect to sites or properties on or eligible for listing on the National Register of Historic Places, and in accordance with the "Memorandum of Understanding for the Protection of Historic Properties in Louisiana Regarding LPDES Permits" no consultation with the Louisiana State Historic

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Preservation Officer is required.

11. TENTATIVE DETERMINATION

On the basis of preliminary staff review, the Department of Environmental Quality has made a tentative determination to issue a permit for the discharge described in the application.

12. PUBLIC NOTICES

Upon publication of the public notice, a public comment period shall begin on the date of publication and last for at least 30 days thereafter. During this period, any interested persons may submit written comments on the draft permit and may request a public hearing to clarify issues involved in the permit decision at this Office's address on the first page of the statement of basis. A request for a public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing.

Public notice published in:

Local newspaper of general circulation

Office of Environmental Services Public Notice Mailing List

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Rationale for Cooper/T. Smith Stevedoring Company, Inc.

1. Outfall 003 – Treated vehicle and equipment washwater (estimated flow is 6,000 GPD)

Pollutant	Limitation		Reference
	Monthly Avg	Daily Max	
	mg/L		
Flow	Report	Report	Similar discharges; BPJ; Previous Permit
COD	200	300	Similar discharges; BPJ; Previous Permit
TSS	---	45	Similar discharges; BPJ; Previous Permit
Oil and Grease	---	15	Similar discharges; BPJ; Previous Permit
Soaps and Detergents	Inventory Record	---	Similar discharges; BPJ; Previous Permit
Oil & Grease, visual	---	No presence	Similar discharges; BPJ; Previous Permit
pH (s.u.)	6.0 min	9.0 max	Similar discharges; BPJ; Previous Permit

Treatment: Oil/water separator

Monitoring Frequency: Daily for oil and grease, visual and monthly for Flow, COD, TSS, Oil & Grease, and pH. Document in a quarterly inventory record the quantity and type of any Soap and/or Detergent used during each calendar month. The monitoring frequency has been increased from quarterly to monthly due to exceedances of the permit limitations.

Limits Justification: Limits and monitoring frequencies are based on current guidance for similar discharges from other industrial facilities, BPJ, and the previous permit.

Note: EPA Guidelines for Metal Products & Machinery (40 CFR Part 438) are applicable; however, more stringent state requirements for exterior equipment washwater are being placed in the permit.

4. Outfall 004 - Treated sanitary wastewater (estimated flow is 1,000 GPD)

Pollutant	Limitation		Reference
	Monthly Avg	Daily Max	
	mg/L		
Flow	Report	Report	Previous permit; Similar Discharges; LAG530000
BOD ₅	30	45	Previous permit; Similar Discharges; LAG530000
TSS	30	45	Previous permit; Similar Discharges; LAG530000
Fecal Coliform (col/ 100 ml)	200	400	Previous permit; Similar Discharges; LAG530000
pH (s.u.)	6.0 (min)	9.0 (max)	Previous permit; Similar Discharges; LAG530000

Treatment: Sewage treatment plant with aeration and chlorination

Monitoring Frequency: Quarterly for all parameters. The monitoring frequency has been increased from semiannually to quarterly due to exceedances of the permit limitations.

Limits Justification: Limits and monitoring frequencies are based on current guidance for similar discharges from other industrial facilities, the previous permit, and the Class I Sanitary Discharge General Permit, LAG530000 effective December 1, 2007.

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BPJ Best Professional Judgement
s.u. Standard Units

NOTE

For outfalls containing concentration limits, the usage of concentration limits is based on BPJ for similar outfalls since the flow is variable and estimated.

STORM WATER POLLUTION PREVENTION PLAN (SWP3) REQUIREMENT

A SWP3 is included in the permit because in accordance with LAC 33:IX.2511.A.1, storm water discharges shall not be required to obtain an LPDES permit "... except... discharges associated with industrial activity." In accordance with LAC 33:IX.2511.B.14.a-k, facilities classified as SIC code 4491 are considered to have storm water discharges associated with industrial activity.